

REMARKS

The Examiner is thanked for the Official Action mailed October 27, 2003.

The Examiner is particularly thanked for the personal interview on January 22, 2004.

The Examiner's efforts have clarified and accelerated the prosecution of this application. This Amendment and request for reconsideration is intended to be fully responsive thereto.

With regard to the content of the Interview, the previous rejections and prior art references were discussed. However, the Examiner was not persuaded that the claims in their unamended form defined over the prior art. A proposed amendment to claim 1 was also discussed. The Examiner indicated that the proposed amendment raised new issues and if submitted in a continuing application would appear to define over the references and rejections of record.

In the Final Rejection, claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,311,935 to Yamamoto. Claim 4 was rejected under 35 U.S.C. 112, second paragraph as indefinite. Claim 6 was rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, as obvious over Yamamoto. Claims 7 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent US 4,712,612 to Okamoto in view of Yamamoto.

With regard to claim 1, claim 1 has been amended as discussed in the above-cited interview. As indicated in the Examiner's Interview Summary, the Examiner indicated at the time of the interview that the language of the amendment appears to define over the previously cited art.

With regard to claim 4, claim 4 has been amended as suggested by the Examiner to indicate that claim 4 refers to the height of the flat tube inner circulation channel.

New claims 17-22 have been added in this preliminary amendment. Claims 17-20 claim the rib structure and characteristics of the inner circulation channels. The subject matter of new claims 21-22 was previously claimed in independent claim 1, but has been moved in this preliminary amendment to broaden amended claim 1.

It is respectfully submitted that independent claim 1 is in condition for allowance. Since claims 2-22 are dependent on independent claim 1, it is submitted that claims 1-22 are in condition for allowance.

Applicants believe that no fee is required for this submission. However, should a fee be due, please charge such fee to Deposit Account No. 50-0548. If, after reviewing the above amendments and remarks, the Examiner believes that any issues remain unresolved, the Examiner is respectfully requested to contact the undersigned, by telephone, to schedule an interview to address such issues.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington, DC 20531, on JAN 27, 2004
PO Box 1450, Alexandria VA 22313
Matthew W. Stavish 127/04
Matthew W. Stavish Reg. 36, 286 Date

Matthew Stavish
Matthew Stavish
Reg. No. 36,286

In re PALANCHON

09/914,475

LINIAK, BERENATO & WHITE
6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607